

**IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION**

**MARKWEST LIBERTY MIDSTREAM
& RESOURCES, L.L.C.,**
Plaintiff,

v.

**CIVIL ACTION NO. 16-C-82
JUDGE H. CHARLES CARL, III**

**J.F. ALLEN COMPANY;
AMEC FOSTER WHEELER
ENVIRONMENT & INFRASTRUCTURE, INC.; and
REDSTONE INTERNATIONAL, INC.;**
Defendants¹,

**BENCH TRIAL ORDER
DAY SEVENTEEN: OCTOBER 15, 2020**

1. On the 15th day of October, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Jonathan Allen. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell and by its Lead Engineer Chris Ramsey. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, and by its President, Heath Kefover.

2. The Court inquired as to whether counsel had any objections to the Day Order from yesterday. Mr. Stanley requested a correction to paragraph number 24, which the Court made. Otherwise, Counsel had no other objections and the Court then entered the Order.

¹ The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

3. Thereafter, Mr. McConnell moved for admission into evidence of the following

Amec Exhibits:

1, 2, 3, 4, 5, 7, 11, 12, 13, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 48, 49, 50, 53, 55, 56, 57, 59, 61, 62, 63, 64, 66, 67, 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 80, 81, 82, 83, 84, 87, 88, 89, 91, 94, 96, 97, 98, 103, 104, 105, 107, 110, 112, 115, 116, 117, 118, 119, 120, 122, 124, 125, 126, 127, 128, 133, 134, 135, 136, 137, 139, 143, 145, 146, 147, 148, 149, 152, 153, 156, 159, 164, 166, 167, 172, 173, 180, 186, 187, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 205, 206, 207, 212, 214, 216, 218, 219, 221, 225, 237, 239, 240, 241, 242, 243, 244, 245, 247, 249, 250, 251, 252, 253, 254, 255, 256, 257, 259, 262, 263, 267, 268, 269, 270, 272, 273, 274, 275, 276, 277, 278, 279, and 280.

Counsel had no objection.

4. Thereafter, Mr. Colosimo moved for admission into evidence of the following:

Amec Exhibit 246, without objection.

5. Thereafter, Mr. Jacks moved for admission into evidence of the following

Redstone Exhibits: 46A (Bolyard Slide Show); **46B** (Bolyard Enlargements); and **46C** (Bolyard Supplemental Slide Show), without objection.

6. Thereafter, Mr. LaSota made a Motion to Dismiss Redstone's Tortious Interference Crossclaims. The Court heard argument from Mr. LaSota and Mr. Jacks, which is more fully set forth on the record.

7. Thereafter, Mr. Colosimo made a Motion for judgment as a matter of law pursuant to Rule 52(c), Judgment on Partial Findings, of the West Virginia Rules of Civil Procedure regarding Amec's claim against CEC for negligence. The Court heard argument from Mr. Colosimo, Mr. McConnell, and Mr. LaSota, which is more fully set forth on the record.

8. Thereafter, the Court recessed for a brief break to consider the Motions in chambers.

9. After the break, the Court DENIED J.F. Allen's Motion and GRANTED MarkWest's Motion, with the Court's findings and conclusions more fully set forth on the record. The Court directed Mr. Colosimo to prepare an Order regarding MarkWest's Motion.

10. Thereafter, the Court heard closing arguments from Mr. Colosimo, Mr. Ward, and Mr. LaSota.

11. Thereafter, the Court recessed for a brief break.

12. Thereafter, the Court heard closing arguments from Mr. Stanley and Mr. McConnell.

13. Thereafter, the Court heard rebuttal argument from Mr. Brill.

14. The Court ordered that counsel submit proposed Orders, with findings of fact and conclusions of law, to be submitted 30 days after the transcript is sent to counsel.

15. Counsel also agreed to provide the demonstrative aids used in closing arguments to the Court.

It is **ORDERED**:

- ❖ The Circuit Clerk shall send this Order to all counsel of record.
- ❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 16 day of October, 2020.



H. CHARLES CARL, III, JUDGE
BUSINESS COURT DIVISION

I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT IS A
TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN
MY OFFICE.

ATTES:

BY:

CIRCUIT CLERK
WETZEL CO. WEST VIRGINIA
DEPUTY CLERK